



IFw

PATENT  
ATTORNEY DOCKET NO.: 040894-7177

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re PATENT APPLICATION of:

Kenichi NAKAYAMA

Application No.: 10/523,363

Filed: February 7, 2005

FOR: **SUGAR CHAIN SYNTHASE GENE**

)  
)  
)  
)  
) Group Art Unit: Unassigned  
)  
) Examiner: Unassigned  
)  
)  
)

Commissioner for Patents  
U.S. Patent and Trademark Office  
**Mail Stop PCT**  
Alexandria, Va. 22314

Sir:

**RESPONSE TO NOTIFICATION OF DEFECTIVE RESPONSE**

The Applicant hereby states that the content of the sequence listing information recorded in computer readable form, as submitted on August 31, 2005, is identical to the written (on paper) sequence listing, as submitted on February 7, 2005, and includes no new matter, as required by 37 CFR 1.82(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). In addition, a "Statement Accompanying Sequence Listing" was previously submitted on August 31, 2005, as the required statement. A copy of the previously filed "Statement" is attached with a copy of the date-stamped postcard receipt.

1. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

- ☒ Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

- ☐ Applicant petitions for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below:

<u>Total Months Requested</u>	<u>Fee for Extension</u>	<u>[Fee for Small Entity]</u>
<input type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input type="checkbox"/> two months	\$ 420.00	\$210.00
<input type="checkbox"/> three months	\$ 950.00	\$475.00
<input type="checkbox"/> four months	\$1,480.00	\$740.00
<input type="checkbox"/> five months	\$2,010.00	\$1,005.00

If an additional extension of time is required, please consider this a Petition therefor.

- ☐ An extension for \_\_\_\_\_ months has already been secured and the fee paid therefor of \$\_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

Extension of time fee due with this request: \$\_\_\_\_\_

## 2. Constructive Petition

- ☒ EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Director is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a CONSTRUCTIVE PETITION FOR EXTENSION OF TIME in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully Submitted,  
Morgan Lewis & Bockius LLP

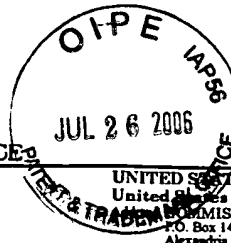
By: \_\_\_\_\_

Robert J. Goodell  
Registration No. 41,040

Date: July 26, 2006  
Customer No. 09629  
Morgan Lewis & Bockius LLP  
1111 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004  
Tel. No.: 202-739-3000  
Fax No.: (202) 739-3001



UNITED STATES PATENT AND TRADEMARK OFFICE



UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

U.S. APPLICATION NUMBER NO. 10/523,363	FIRST NAMED APPLICANT Kenichi Nakayama	ATTY. DOCKET NO. 040894-7177
---	---	---------------------------------

09629  
MORGAN LEWIS & BOCKIUS LLP  
1111 PENNSYLVANIA AVENUE NW  
WASHINGTON, DC 20004

INTERNATIONAL APPLICATION NO. PCT/JP03/10025	
I.A. FILING DATE 08/06/2003	PRIORITY DATE 08/07/2002

CONFIRMATION NO. 1869  
371 FORMALITIES LETTER



\*OC000000019680574\*

Date Mailed: 07/20/2006

## NOTIFICATION OF DEFECTIVE RESPONSE

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495)

- Priority Document
- Copy of the International Application filed on 02/07/2005
- English Translation of the IA filed on 02/07/2005
- Copy of the International Search Report filed on 02/07/2005
- Preliminary Amendments filed on 08/31/2005
- Information Disclosure Statements filed on 02/07/2005
- Biochemical Sequence Diskette filed on 08/31/2005
- Oath or Declaration filed on 08/31/2005
- Biochemical Sequence Listing filed on 08/31/2005
- U.S. Basic National Fees filed on 02/07/2005
- Assignment filed on 08/31/2005
- Priority Documents filed on 02/07/2005
- Power of Attorney filed on 08/31/2005
- Specification filed on 02/07/2005
- Claims filed on 02/07/2005
- Abstracts filed on 02/07/2005
- Drawings filed on 02/07/2005
- Paper nucleotide sequence listings filed on 02/07/2005

Docketed 7-24-06 Attorney B56/ADH  
Case 40894-7177  
Due Date 8-20-06  
Action Resp - Defective Resp.  
By AK Chk BR

Applicant's response filed 08/31/2005 is hereby acknowledged. The following requirements set forth in the NOTIFICATION of MISSING REQUIREMENTS mailed 07/01/2005 have not been completed.

- This application does not contain a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). Applicant must provide such statement. If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000).

RECEIVED

JUL 24 2006

MORGAN, LEWIS &amp; BOCKIUS LLP

Applicant is required to complete the response within a time limit of ONE MONTH from the date of this Notification or within the time remaining in the response set forth in the Notification of Missing Requirements, whichever is the longer. No extension of this time limit may be granted under 37 CFR 1.136, but the period for response set in the Notification of Missing Requirements may be extended under 37 CFR 1.136(a).

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:

- For Rules Interpretation, call (571) 272-0951
- For Patentin Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.
- Send e-mail correspondence for Patentin Software Program Help @ [ebc@uspto.gov](mailto:ebc@uspto.gov)

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

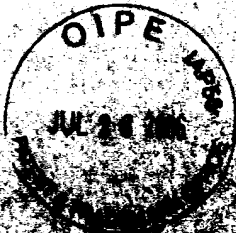
*A copy of this notice **MUST** be returned with the response.*

BARBARA A CAMPBELL

Telephone: (703) 308-9140 EXT 217

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/523,363	PCT/JP03/10025	040894-7177



PLEASE STAMP AND RETURN TO SHOW RECEIPT OF:

U.S. National Phase Application of: Kenichi NAKAYAMA et al.  
International Application No.: PCT/JP03/10025  
U.S. Application No.: 10/523,363  
International Appln. Filing Date: August 6, 2003  
Date of National Stage Entry: February 7, 2005  
For: SUGAR CHAIN SYNTHASE GENE

**COPY**

ATTN: MAIL STOP MISSING PARTS

1. Please charge Deposit Account No. 50-0310 in the amount of \$170.00
2. Response To Notification of Missing Requirements
3. Copy Of Notice To File Missing Requirements
4. Preliminary Amendment
5. Declaration and Power of Attorney
6. Assignment Recordation Cover Sheet
7. Assignment
8. Submission of Replacement Drawings
- 9.. 5 sheets, 5 figures
10. Statement Accompanying Sequence Listing
11. Floppy Diskette having Seq. Listing in computer readable form

Date: August 31, 2005  
Attorney Docket No.: 040894-7177  
RG2/tjh



**COPY**

**DOCKETED**  
By GL Date 7/1/05

BEST AVAILABLE COPY